



State of California  
**Respiratory Care Board**  
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**Inquiry:** We are a DME Company, JCAHO accredited for only "Medical Equipment Management" and not clinical care of patients.

Whenever we get orders to set up Apnea Monitors, before an infant is discharged, an RT has been doing it. However, with the severe shortage of RTs, we might face a situation where we will not be able to complete every order.

Our involvement is to set up the equipment on the infant, teach the parents the pertinent information (alarms, weekly testing of equipment, changing the belt, etc.), downloading the monitor and forwarding the report to the physician without interpretation. We do not do patient assessment, clinical care, diagnostic evaluation or interpretation of the reports.

Therefore, my question again would be, since there is no clinical care of the infant, and if the technicians have attended classes from the manufacturer, can they do the set-up under the California law? Section 3702 refers more into the clinical care and not just equipment management

**Response:** Sections 109948 and 109948.1 of the Health and Safety Code wherein (home medical devices) are listed as follows:

- (1) Oxygen delivery systems and prefilled cylinders.
- (2) Ventilators.
- (3) Continuous Positive Airway Pressure devices (CPAP).
- (4) Respiratory disease management devices.
- (5) Hospital beds and commodes.
- (6) Electronic and computer driven wheelchairs and seating systems.
- (7) Apnea monitors
- (8) Low air loss continuous pressure management devices.
- (9) Transcutaneous Electrical Nerve Stimulator (TENS) units.
- (10) Prescription devices.
- (11) Disposable medical supplies including, but not limited to, incontinence supplies as defined in Section 14125.1 of the Welfare and Institutions Code.
- (12) In vitro diagnostic tests.
- (13) Any other similar device as defined in regulations adopted by the department.

Items numbered 1, 2, 3, 4, 7, and 8 and in some cases items numbered 10 and 13 are associated with the practice of Respiratory Care. Therefore, set-up or application of these devices to a patient or the instruction in the use of the equipment for the purpose of deriving an intended medical benefit must be performed by a licensed Respiratory Care Practitioner or other qualified licensed persons authorized by their respective licensing statute to practice respiratory care.

Reference #: 2004-C-18